

respectfully requested. The attached Appendix includes marked-up copies of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

Applicants thank Examiners Coles and Mitchell for the courtesies extended to Applicants representative during the January 28, 2003 personal interview. Applicants separate record of the substance of the interview is incorporated herein.

I. CLAIM 6 SATISFIES ALL FORMAL REQUIREMENTS

The Office Action objects to claim 6 because the word "to" is duplicated in the last line of claim 6. Appropriate corrections have been made to remove its repetition. Withdrawal of this objection is respectfully requested.

II. THE CLAIMS DEFINE PATENTABLE SUBJECT MATTER

A. The Office Action rejects claims 1, 6 and 11 under 37 U.S.C. §102(b) over U.S. Patents 5,604,600 to Webster. This rejection is respectfully traversed.

Webster fails to teach or suggest all of the features recited in independent claims 1, 6 and 11. In particular, Webster fails to teach or suggest "a selector to select a traverser and to select policies from a library based on a model of the machine; and the traverser that is selected by the selector to look for a preferred itinerary" (emphasis added), as recited in claim 1 and similarly recited in claims 6 and 11.

Webster discloses a production tree for generic representative of document requirements for particular output terminals. Webster is concerned with the representation of the print job and going through steps to change the representation of the job, and not about how to look for a preferred itinerary. For example, Webster discloses: 1) converting the job requirement into an assembly tree representation; 2) receiving from each of the processors the data related to the operational capabilities of each associated module; 3) interrogating each of the processors to determine the interconnection of each of the modules to other modules; and 4) providing a mapping from the assembly tree representation to a production tree

relationship. See Webster at, e.g. the Abstract, col. 3, lines 3-29, col. 9, lines 3-23 and claim 1.

Webster teaches what is conventionally known in the applied art. See the Applicants specification at, e.g., page 5, lines 26-27. The production tree relationship of Webster is basically a list of the capabilities that can be used to produce the job and their timings. In particular, Webster describes a representation of a print job or document that is machine-independent and "print-ready" and that operates based only on preprogrammed instructions. However, Webster fails to teach or suggest how to look for a preferred itinerary.

For example, Webster does not combine hard (must have) and soft (desired) policies and/or taking into consideration dynamic conditions that arise in the printing machine. Thus, Webster is directed to an entirely different problem which is not concerned with flexibly storing all of the possible itineraries up front and then dynamically going through the list and picking one, or selecting a preferred itinerary on the fly, or using different search algorithms to go through the models and machines to figure out the preferred itinerary.

The Office Action refers to col. 9, lines 3-23 and states that this section relates to the traverser. Applicants respectfully disagree. This section has absolutely nothing to do with the traverser determining how to look for a preferred itinerary, as recited in claims 1, 6 and 11. To the contrary, Webster fails to specifically describe how to determine the optimal sequences of operation. In fact, Webster teaches an entirely different process at lines 3-12. That is, after the sequence of operations is determined, Webster instructs the scheduler on various functions, such as: how to coordinate the machine module, etc., such as: when to do what; and figuring out if the machine is performing its required operation by monitoring its progress, etc. See, e.g., col. 9, lines 3-12 of Webster. Accordingly, these functions take place after Webster has chosen a sequence of operation. Thus, Webster is not directed to solving the same problem as Applicants claimed invention.

At col. 9, lines 13-23, Webster describes the process that occurs before the optimal sequences of operation is chosen, but fails to teach or suggest that a traverser determines how to select a preferred itinerary. In particular, at this section, Webster describes operations that occur before the sequence of operations has been chosen. Webster describes, e.g., retrieving data about each machine. This function is a pre-step to what is done before a preferred itinerary can be selected. For example, once this information is obtained, the process figures out what different possible itineraries are available through the machine. Webster is absolutely silent about how it determines a preferred itinerary.

For at least the reasons discussed above, Applicants respectfully submit that Webster fails to anticipate the subject matter of independent claims 1, 6 and 11. Withdrawal of the rejection under 35 U.S.C. §102(b) is therefore respectfully solicited.

B. The Office Action rejects claims 2-5, 7-10 and 12-15 under 35 U.S.C. §103(a) over Webster in view of U.S. Patent 5,129,639 to DeHority. This rejection is respectfully traversed.

DeHority fails to cure the deficiencies of Webster discussed above with respect to independent claims 1, 6 and 11. DeHority is directed to a printer configuration control system that compares the print job requirements to the printer capabilities and has nothing to do with selecting a preferred itinerary.

Accordingly, the Office Action has not established a prima facie case of obviousness, as the applied references fail to teach or suggest all of the subject matter of independent claims 1, 6 and 11. Accordingly, the applied references also fail to render obvious the subject matter of claims 2-5, 7-10 and 12-15, which depend from claims 1, 6 and 11 respectively. Withdrawal of the rejection under 35 U.S.C. §103(a) is therefore respectfully solicited.

III. CONCLUSION

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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JAO:RZE/dmw

Date: January 30, 2003

Attachment:
Appendix

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 24-0037</p>

APPENDIX

Changes to Claims:

6. (Amended) A method to schedule for a machine comprising steps of:
selecting policies from a library based on a model of the machine;
selecting a traverser; and
traversing one of a model of the machine and a list of valid itineraries to ~~to~~
look for a preferred itinerary.